

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael John Husten,

File No. 18-cv-2712 (ECT/SER)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Warden Michelle Smith,

Defendant.

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The Court has received the November 1, 2018 Report and Recommendation of United States Magistrate Judge Steven E. Rau. ECF No. 6. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**;
2. The Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**;
3. The action is **DISMISSED WITH PREJUDICE**; and
4. No certificate of appealability be issued.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 29, 2018

s/ Eric C. Tostrud  
Eric C. Tostrud  
United States District Court